



Arts, Environment and Territories Legislation Amendment Act 1992

No. 130 of 1992

**An Act to repeal certain legislation relating
to the environment, to amend legislation relating to
the arts, the environment and Territories, and for
related purposes**

[Assented to 24 October 1992]

The Parliament of Australia enacts:

Short title

1. This Act may be cited as the *Arts, Environment and Territories Legislation Amendment Act 1992*.

5 Commencement

2. This Act commences on the day on which it receives the Royal Assent.

*Arts, Environment and Territories Legislation Amendment
No. 130, 1992*

Repeal of Acts

3.(1) The *Lemonthyme and Southern Forests (Commission of Inquiry) Act 1987* is repealed.

(2) The *States Grants (Air Quality Monitoring) Act 1976* is repealed.

Amendment of Acts

5

4. The Acts specified in Schedule 1 are amended as set out in that Schedule.

Amendments of Ordinances

5.(1) The Ordinances of the Australian Capital Territory specified in Schedule 2 are amended as set out in that Schedule.

10

(2) The making of amendments of Ordinances by subsection (1) is not intended to prevent the Ordinances, as so amended, being amended or repealed by the Governor-General.

Saving of appointments etc. under the Australia Council Act

6.(1) In this section, “Principal Act” means the *Australia Council Act 1975*.

15

(2) An appointment made by the Governor-General under subsection 9(3) or 19A(1) of the Principal Act as in force immediately before the commencement of section 4 has the same effect after that commencement as it would have had if:

20

(a) section 4 of this Act had been in force when the appointment was made; and

(b) the appointment had been made by the Minister.

(3) A determination made by the Governor-General under subsection 19A(3) of the Principal Act as in force immediately before the commencement of section 4 has the same effect after that commencement as it would have had if:

25

(a) section 4 of this Act had been in force when the determination was made; and

(b) the determination had been made by the Minister.

30

(4) If:

(a) before the commencement of section 4, a person resigned by writing signed and delivered to the Governor-General under subsection 10(4), section 13 or 19D of the Principal Act; and

(b) the resignation had not taken effect at the commencement of section 4;

35

subsection 10(4), section 13 or 19D, as the case requires, continues to have effect in relation to the resignation in spite of the amendments made by section 4.

*Arts, Environment and Territories Legislation Amendment
No. 130, 1992*

Effect of amendments of the National Gallery Act

7. It is the intention of the Parliament that the amendments of the *National Gallery Act 1975* made by section 4 should only have the effect of changing the name of the Gallery established by that Act and should not:

5

(a) affect any right or liability of that Gallery or any other body or person; or

10

(b) affect the efficacy, for the purposes of that Act as amended by section 4, of anything done under, or for the purposes of, that Act before the commencement of section 4.

*Arts, Environment and Territories Legislation Amendment
No. 130, 1992*

SCHEDULE 1

Section 4

AMENDMENTS OF ACTS

Australian Capital Territory (Planning and Land Management) Act 1988

Paragraph 6(e):

Omit “and”.

Section 6:

Add at the end:

“and (g) with the Minister’s approval, on behalf of the Commonwealth, to manage National Land designated in writing by the Minister as land required for the special purposes of Canberra as the National Capital.”.

Australia Council Act 1975

Paragraph 9(2)(e):

Omit “Governor-General”, substitute “Minister”.

Paragraph 9(2)(f):

Omit “Governor-General”, substitute “Minister”.

Subsection 9(3):

Omit the subsection, substitute:

“(2A) The members of the Council, other than the Chairperson and the members referred to in paragraph (2)(b), are to be appointed by the Minister.

“(3) The Chairperson is to be appointed by the Governor-General.”.

Subsection 9(4):

Omit “Governor-General”, substitute “Minister”.

Subsection 10(1):

Omit “Governor-General”, substitute “Minister”.

Subsection 10(4):

Omit “Governor-General”, substitute “Minister”.

Subsection 11(1):

Omit “the Governor-General specifies”, substitute “is specified”.

Section 13:

Repeal the section, substitute:

*Arts, Environment and Territories Legislation Amendment
No. 130, 1992*

SCHEDULE 1—continued

Resignation

“13.(1) The Chairperson may resign by giving a written notice of resignation to the Governor-General.

“(2) Any other member of the Council (other than a member referred to in paragraph 9(2)(b)) may resign by giving a written notice of resignation to the Minister.”.

Subsection 14(1):

Omit “Governor-General”, substitute “appropriate authority”.

Subsection 14(2):

Omit “Governor-General”, substitute “appropriate authority”.

After subsection 14(2):

Insert:

“(2A) The Governor-General is the appropriate authority in the case of the Chairperson.

“(2B) The Minister is the appropriate authority in the case of any other member of the Council.”.

Subsection 19A(1):

Omit “Governor-General”, substitute “Minister”.

Subsection 19A(3):

Omit “Governor-General”, substitute “Minister”.

Section 19D:

Omit “Governor-General” (wherever occurring), substitute “Minister”.

Subsection 19F(1):

Omit “Governor-General”, substitute “Minister”.

Subsection 19F(2):

Omit “Governor-General”, substitute “Minister”.

After section 31:

Insert in Part IV:

Delegation

“31A. The Minister may, in writing, delegate any of the Minister’s powers or functions under subsection 22(4) or subsection 27(1) or (2) to the Council.”.

*Arts, Environment and Territories Legislation Amendment
No. 130, 1992*

SCHEDULE 1—continued
Australian Heritage Commission Act 1975

Subsection 14(3):

Omit “*Remuneration Tribunals*”, substitute “*Remuneration Tribunal*”.

National Gallery Act 1975

Title:

Omit the title, substitute:

“**An Act relating to the National Gallery of Australia**”.

Subsection 3(1) (definition of “Council”):

Omit “*Australian National Gallery*”, substitute “*National Gallery of Australia*”.

Subsection 3(1) (definition of “Director”):

Omit “*Australian National Gallery*”, substitute “*National Gallery of Australia*”.

Subsection 3(1) (definition of “Fund”):

Omit “*Australian National Gallery*”, substitute “*National Gallery of Australia*”.

Subsection 3(1) (definition of “Gallery”):

Omit “*Australian National Gallery*”, substitute “*National Gallery of Australia*”.

Subsection 4(1):

Omit “*Australian National Gallery*”, substitute “*National Gallery of Australia*”.

Subsection 12(1):

Omit “*Australian National Gallery*”, substitute “*National Gallery of Australia*”.

Subsection 24(1):

Omit “*Australian National Gallery*”, substitute “*National Gallery of Australia*”.

Subsection 36(1):

Omit “*Australian National Gallery*”, substitute “*National Gallery of Australia*”.

*Arts, Environment and Territories Legislation Amendment
No. 130, 1992*

SCHEDULE 1—continued

National Parks and Wildlife Conservation Act 1975

Subsection 21(1):

Omit “\$100,000”, substitute “\$250,000”.

*Arts, Environment and Territories Legislation Amendment
No. 130, 1992*

SCHEDULE 2

Subsection 5(1)

AMENDMENTS OF ORDINANCES

National Land Ordinance 1989

Section 4:

Repeal the section, substitute:

Management of National Land

“4.(1) With the approval of the Minister for the Arts, Sport, the Environment and Territories, the National Capital Planning Authority is to manage National Land designated in writing by the Minister as land required for the special purposes of Canberra as the National Capital.

“(2) The Minister for Administrative Services is to manage all other National Land.”.

Reserved Laws (Administration) Ordinance 1989

Subsection 4(1):

Omit the subsection, substitute:

“(1) The Minister for the time being administering the *Seat of Government (Administration) Act 1910* of the Commonwealth is to administer:

- (a) the reserved laws specified in Schedule 1; and
- (b) the *National Land Ordinance 1989* insofar as it relates to the management of National Land that is required for the special purposes of Canberra as the National Capital.”.

Section 4:

Add at the end:

“(4) The Minister for Administrative Services is to administer the *National Land Ordinance 1989*, except to the extent that the Ordinance is administered by the Minister administering the *Seat of Government (Administration) Act 1910* of the Commonwealth.”.

Schedule 1:

Omit “*National Lands Ordinance 1989*”.

NOTE ABOUT SECTION HEADING

1. On the day on which this Act receives the Royal Assent the heading to section 36 of the *National Gallery Act 1975* is altered by omitting “*Australian National Gallery*” and substituting “*National Gallery of Australia*”.

*Arts, Environment and Territories Legislation Amendment
No. 130, 1992*

*[Minister's second reading speech made in—
Senate on 25 June 1992
House of Representatives on 20 August 1992]*